

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY ROTHMAN

PLAINTIFF

vs

THE CITY OF NEW YORK, etc.,
et al.

DEFENDANTS

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/28/2020

9/28/2020
Denied motion
No trial will be
permitted

CIVIL No. 19-0225 (CM) (OTW)

PLAINTIFF'S NOTICE OF MOTION
FOR RECONSIDERATION OF AN
ASPECT OF THE COURT'S
SEPTEMBER 18, 2020 DATED
IN LIMINE RULINGS (DOC # 139);
AND INTER-RELATED THERETO
RECONSIDERATION OF THE
COURT'S SEPTEMBER 24, 2020
DATED RULING WHICH DENIED
ADMISSIBILITY IN WHOLE OR
PART OF PLAINTIFF ROTHMAN'S
PROPOSED TRIAL EXHIBIT # 2

PLEASE TAKE NOTICE that, pursuant to Local Rule 6.3, pursuant to the relevant provisions of the Court's Individual Practices and Procedures, and pursuant to the applicable standards relevant to the analysis of a Motion for Reconsideration and matters associated therewith, Plaintiff Jeffrey Rothman moves the Court for its reconsideration of an aspect of the Court's September 18, 2020 dated *In Limine Rulings (Doc. # 139)* granting in part and denying in part the party Defendants' *In Limine Motions (Doc. #'s 104-112)*; and inter-related thereto the reconsideration of the Court's September 24, 2020 dated *denial of the admissibility of Plaintiff Rothman's Proposed Trial Exhibit # 2 in whole or in part* (Plaintiff Rothman's December 28, 2017 dated demand letter to City officials for the preservation of the video recording(s) of the December 13, 2017 dated event out of which the litigation arises).

Specifically Plaintiff Rothman respectfully requests that the Court reconsider an aspect of its September 18, 2020 dated *In Limine* Rulings (*Doc. # 139*) related to the Defendants' *In Limine Motion* for Preclusion of any reference to video evidence (*Doc. #'s 110 and 112*);¹ and inter-related thereto for Reconsideration of the Court's September 24, 2020 Ruling (See: *September 24, 2020 dated Docket Sheet Minute Entry memorializing that a Final Pre-Trial was held with the Court and the Court addressed the admissibility of the parties' Proposed Trial Exhibits*) denying in whole or in part admissibility of Plaintiff Rothman's Proposed Trial Exhibit # 2 (Plaintiff Rothman's December 28, 2017 dated letter seeking preservation of video evidence in the possession of the New York City Police Department memorializing the December 13, 2017 event out of which the litigation arises).

¹ Plaintiff Rothman previously filed a First Motion for Reconsideration of the Court's September 18, 2020 dated *In Limine* Rulings (specifically its Ruling that rejected admissibility of CCRB related evidence and Plaintiff Rothman's Proposed CCRB generated Trial Exhibits associated therewith); and the Court denied such (See: *Doc. #'s 104, 105, 112, 126, 127, 139, 141, 142, 143, and 144*).

This September 26, 2020 dated Motion for Reconsideration (*Doc. #'s 146, 147, 148*) is submitted in conjunction with the contemporaneous filing of Plaintiff Rothman's September 26, 2020 dated Proposed Substantive Claim and Substantive Claim Related Instructions (*Doc. # 149*); and specifically Plaintiff Rothman's Proposed Adverse Inference Instruction From An Absence of Evidence Jury Instruction therein (*Doc. # 149 at pages 5, et seq.*) which is implicated by the Court's September 18, 2020 dated *In Limine* Rulings (*Doc. # 139*).

DATED: New York, New York
September 26, 2020

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TO:

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